

363
PETITION FOR SPECIAL HEARING 85-60-SPH
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve non-conforming use for parking and storage of garbage trucks in a residential zone. Also, a legal determination that the use does not constitute a "trucking facility" within the meaning of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Howard S. Smith, et al
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Clark R. Shaffer, Esquire
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.

Clark R. Shaffer, Esquire
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.

ORDERED BY THE Zoning Commissioner of Baltimore County, this 3rd day of July, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 28th day of August, 1984, at 1:30 o'clock.

Carl J. Jahn
Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
FROM: Norman F. Gerber, Director
Office of Planning and Zoning
SUBJECT: Zoning Petition No. 85-60-SPH
Date: August 10, 1984

In view of the subject of the determination requested, this office offers no comment.

NEG/JGH/sf

Norman F. Gerber, Director
Office of Planning and Zoning

85-60-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 3rd day of July, 1984.

Petitioner: Howard S. Smith, et al
Petitioner's Attorney: _____

Arnold Jablon
Zoning Commissioner
Received by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 16, 1984

Clark R. Shaffer, Esquire
127 E. Main Street
Box 525
Westminster, Md. 21157

RE: Item No. 360 - Case No. 85-60-SPH
Petitioner - Howard S. Smith, et al
Special Hearing Petition

Dear Mr. Shaffer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari, Inc.
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

July 20, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Item #360 (1983-1984)
Property Owner: Howard S. Smith, et al
2/6 Deer Park Rd. 320' S. of Wards Chapel Rd.
Acres: 2.9
District: 4th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Deer Park Road, an existing public road, is proposed to be further improved in the future as a 50-foot closed section roadway on a 70-foot right-of-way.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Very truly yours,
Gilbert S. Benson, P.E., Asst. Chief
Bureau of Public Services

GSB:EAM:FWR:bs

cc: J. Trenner

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
NORMAN F. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Zoning Advisory Meeting of 7-3-84
Item # 360
Property Owner: Howard S. Smith, et al
Location: 2/6 Deer Park Rd.
of Wards Chapel Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the Floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The basic services areas are re-evaluated annually by the County Council.
- (X) Additional comments:

Plan must show grading lot layout, what steps, streamway, check if easement exists for streamway access through Soldiers Delight. Plan to include utility layout.

Eugene A. Boser
Chief, Current Planning and Development

cc: James Howells

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

July 23, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 345, 356, 357, 358, 359, 360, 361 ZAC-Meeting of July 3, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 345, 356, 357, 358, 359, 360 and 361.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSP/cam

ORDER REC'D FOR FILING

DATE: July 15, 1984
BY: Mary C. [illegible]

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts:

Aug 2 84
BALTIMORE COUNTY DEPARTMENT OF HEALTH
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204
Zoning Item # 360, Zoning Advisory Committee Meeting of July 3, 84
Property Owner: Howard S. Smith, et al
Location: E/S Deer Park Road District 4
Water Supply: private Sewage Disposal: private
COMMENTS ARE AS FOLLOWS:
() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
() A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
() A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.
SS 20 1082 (1)

Zoning Item # 360 Zoning Advisory Committee Meeting of July 3, 84
Page 2
() Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
() Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
() Soil percolation tests (have been/must be) conducted.
() The results are valid until
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
() shall be valid until
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Application.
() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
() If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
(X) Others This site is served by a well and upon inspection it is found cleaning is to be done at this location. A suitable means of wastewater disposal must be employed. Owner should contact this office at 494-3768 for information regarding this matter.
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES
SS 20 1283 (2) R

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4300
PAUL H. RENCKE
CHIEF
July 18, 1984
Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204
Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee
RE: Property Owner: Howard S. Smith, et al
Location: E/S Deer Park Road 320' S. of Wards Chapel Road
Item No.: 360 Zoning Agenda: Meeting of 7/3/84
Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.
() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
() 2. A second means of vehicle access is required for the site.
() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
() 6. Site plans are approved, as drawn.
(X) 7. The Fire Prevention Bureau has no comments, at this time.
Noted and Approved: _____
Reviewed by: _____ Planning Group
Special Inspection Division
Fire Prevention Bureau
/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nick Commodari, Zoning Date: July 16, 1984
FROM: C.E. Burnham, Plans Review
SUBJECT: ZAC Meeting July 3, 1984

Item #345 See Comments
Item #356 See Comments
Item #357 Standard Comment
Item #358 See Comments
Item #359 See Comments
Item #360 No Comments
Item #361 See Comments
Item #362 See Comments
Item #363 See Comments

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
E/S Deer Park Rd., 320' S of Wards Chapel Rd. (5417 Deer Park Rd.), 4th District : OF BALTIMORE COUNTY
HOWARD S. SMITH, et al, Case No. 85-60-SPH
Petitioners :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 9th day of August, 1984, a copy of the foregoing Entry of Appearance was mailed to Clark R. Shaffer, Esquire, Dulany and Davis, 127 E. Main St., Box 525, Westminster, MD 21157, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
ARNOLD JABLON
ZONING COMMISSIONER

August 28, 1984

Ms. Patricia M. Donoho
6600 Deer Park Road
Reisterstown, Maryland 21136

Re: Petition for Special Hearing
E/S Deer Park Rd., 320' S of Wards Chapel Rd. (5417 Deer Park Road)
Howard S. Smith, et al - Petitioners
Case No. 85-60-SPH

Dear Ms. Donoho:

This is to inform you that the continued hearing for the above mentioned case is scheduled for Friday, September 21, 1984 at 1:30 P.M.

Very truly yours,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ:aj

cc: James W. Poultney
114 Garrison Forest Road
Garrison, Maryland 21055

Clark R. Shaffer, Esquire
127 E. Main Street - Box 525
Westminster, Maryland 21157

Phyllis C. Friedman, Esquire
People's Counsel for Baltimore County

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
ARNOLD JABLON
ZONING COMMISSIONER

October 5, 1984

Clark R. Shaffer, Esquire
127 East Main Street
P.O. Box 525
Westminster, Maryland 21157

RE: Petition for Special Hearing
E/S of Deer Park Rd., 320' S of Wards Chapel Rd. (5417 Deer Park Rd.) - 4th Election District
Howard S. Smith, et al - Petitioners
No. 85-60-SPH (Item No. 360)

Dear Mr. Shaffer:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Jean M.H. Jung
Jean M.H. Jung
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: Ms. Patricia M. Donoho
6600 Deer Park Road
Reisterstown, Maryland 21136

Mrs. Florence A. Rogers
7800 Seven Mile Lane
Pikesville, Maryland 21208

Mr. Jim Mallow
580 Taylor Avenue
Annapolis, Maryland 21401

People's Counsel

August 1, 1984

Clark R. Shaffer, Esquire
127 E. Main Street
Box 525
Westminster, Maryland 21157

NOTICE OF HEARING

Re: Petition for Special Hearing
E/S Deer Park Rd., 320' S of Wards
Chapel Rd. (5417 Deer Park Road)
Howard S. Smith, et al - Petitioners
Case No. 85-60-SPH

TIME: 1:30 P.M.
DATE: Tuesday, August 28, 1984
PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 130539

DATE 8-28-84 ACCOUNT R-01-615-000

AMOUNT 120.00

RECEIVED 8/28/84
FROM Flying for the 320 S. R.
FOR William

6 163*****1000000 214A

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland 85-60-SPH

District 4th Date of Posting 8-10-84
Posted for: Special Hearing
Petitioner: Howard S. Smith, et al
Location of property: E/S Deer Park Rd., 320' S of Wards Chapel Rd.
Location of Signs: East side of Deer Park Rd., approx. 320' South of
Wards Chapel Rd., in front of 5417 Deer Park Rd.
Remarks:
Posted by: *[Signature]* Date of return: 8-17-84
Number of Signs: 7

PETITION FOR SPECIAL HEARING
4th Election District
LOCATION: East side Deer Park Rd., 320' S of Wards
Chapel Rd. (5417 Deer Park Road)
DATE & TIME: Tuesday, August 28, 1984 at 1:30 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act
and Regulations of Baltimore County, will hold a public hearing
on the Petition for Special Hearing under Section 500.7 of the Baltimore County
Zoning Regulations, to determine whether or not the Zoning Commissioner
and/or Deputy Zoning Commissioner should approve a nonconforming use for
parking and storage of garbage trucks in a residential zone. Also, a legal
determination that the use does not constitute a "trucking facility" within the
meaning of the Baltimore County Zoning Regulations.
Being the property of Howard S. Smith, et al, as shown on plat filed with
the Zoning Department.
In the event that this Petition is granted, a building permit may be issued within
the thirty (30) day appeal period. The Zoning Commissioner will, however,
entertain any request for a stay of the issuance of said permit during this
period for good cause shown. Such request must be received in writing by the
date of the hearing set above or made at the hearing.
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

NITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., Aug. 13 1984
I hereby certify that the annexed Petition for hearing
(one), successive _____ days previous
to August 19, 84, in the
County Times, a daily newspaper published
in Westminster, Carroll County, Maryland.
roll Herald, a weekly newspaper published
in Eldersburg, Carroll County, Maryland.
y Times, a weekly newspaper published
in Reisterstown, Baltimore County, Maryland.
Per: *[Signature]*

PETITION FOR SPECIAL HEARING
4th Election District
LOCATION: East side Deer Park Rd., 320' S of Wards
Chapel Rd. (5417 Deer Park Road)
DATE & TIME: Tuesday, August 28, 1984 at 1:30 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act
and Regulations of Baltimore County, will hold a public hearing
on the Petition for Special Hearing under Section 500.7 of the Baltimore County
Zoning Regulations, to determine whether or not the Zoning Commissioner
and/or Deputy Zoning Commissioner should approve a nonconforming use for
parking and storage of garbage trucks in a residential zone. Also, a legal
determination that the use does not constitute a "trucking facility" within the
meaning of the Baltimore County Zoning Regulations.
Being the property of Howard S. Smith, et al, as shown on plat filed with
the Zoning Department.
In the event that this Petition is granted, a building permit may be issued within
the thirty (30) day appeal period. The Zoning Commissioner will, however,
entertain any request for a stay of the issuance of said permit during this
period for good cause shown. Such request must be received in writing by the
date of the hearing set above or made at the hearing.
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 9, 1984
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper, printed
and published in Towson, Baltimore County, Md., appearing on
August 9, 1984.

THE JEFFERSONIAN,

[Signature]
Publisher

Cost of Advertising 24.00

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
ARNOLD JABLON
ZONING COMMISSIONER

August 23, 1984

Clark R. Shaffer, Esquire
127 E. Main Street
Box 525
Westminster, Maryland 21157

Re: Petition for Special Hearing
E/S Deer Park Rd., 320' S of Wards
Chapel Rd. (5417 Deer Park Road)
Howard S. Smith, et al - Petitioners
Case No. 85-60-SPH

Dear Mr. Shaffer:

This is to advise you that \$61.40 is due for advertising and posting
of the above property.

This fee must be paid and our zoning sign and post returned on the day
of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and
remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building,
Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ:aj

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 134349

DATE 9/28/84 ACCOUNT R-01-615-000

AMOUNT \$61.40

RECEIVED Paula V. Wise
FROM: advertising and posting Case 85-60-SPH
FOR: (Howard S. Smith, et al)

6 520*****16000 2145F

VALIDATION OR SIGNATURE OF CASHIER

BEGINNING for a point on the east side of Deer
Park Road approximately 320 feet south of Wards Chapel
Road, thence (1) North 77°30' East 78 feet to a point,
thence (2) North 62°25' East 726.0 feet to a point, thence
(3) South 42°35' East 123.75 feet to a point, thence
(4) South 62°25' West 841.5 feet to a point in a paved
road known as Deer Park Road, thence (5) North 18°45'
West 85 feet to the point of beginning (also known
as 5417 Deer Park Road).

PETITION FOR SPECIAL HEARING
4th Election District

ZONING: Petition for Special Hearing
LOCATION: East side Deer Park Rd., 320 ft. South of Wards
Chapel Road (5417 Deer Park Road)
DATE & TIME: Tuesday, August 28, 1984 at 1:30 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning
Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the
Baltimore County Zoning Regulations, to determine whether
or not the Zoning Commissioner and/or Deputy Zoning Commissioner
should approve a nonconforming use for parking and storage of
garbage trucks in a residential zone. Also, a legal determination
that the use does not constitute a "trucking facility" within the
meaning of the Baltimore County Zoning Regulations

Being the property of Howard S. Smith, et al, as shown on plat plan
filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be
issued within the thirty (30) day appeal period. The Zoning Commissioner
will, however, entertain any request for a stay of the issuance of said
permit during this period for good cause shown. Such request must be
received in writing by the date of the hearing set above or made at
the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

For the file (to be microfilmed)
J. Jung 8/28/84
11:25 AM

Patricia M. Donahoe 6600 Deer Park Rd
day 383-5560 Reisterstown 21136
nlt 833-1780

Pres. United Reisterstown Residents Inc.

saw signs on property

hiring at 10:15 AM

request continuance

need sufficient notice: 2 weeks

James W. Pultney 114 Harrison Forest Rd
day 363-0795
day 338-7555 Phila Harrison 21055

rep. Soldiers Delight Conservation Inc.

(was pres, now Bd & hon. pres.)

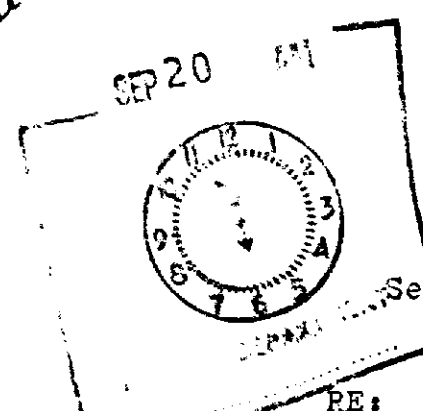
received phone from Mr. Rogers re 10:15 AM

request continuance

To be rescheduled Fri Sept 21 1:30 PM



Baltimore



September 19, 1984

RE: Zoning Item #360

Howard S. Smith

5417 Deer Park Rd.

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Md. - 21204

Dear Mr. Jablon:

We have long been associated with
Soldiers Delight, having participated in fund raising
to acquire the land and having led many public hikes
on the trails. We are strongly opposed to the parking
and storage of garbage trucks on property literally
surrounded by park land. This park has been desig-
nated as a natural environmental area because as a
serpentine barren it is unique in Maryland. The
establishment of such non-conforming use would be in
direct conflict with the purpose of this land.

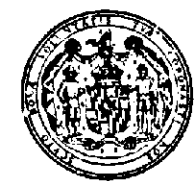
Sincerely yours,

[Signature]

Mary A. Vincett
Conservation Chairmar.
1029 Chrome Mine Rd.
Reisterstown, Md.
21136

Founded in 1934 • Affiliated with the Appalachian Trail Conference

JAN 29 1985



DEPARTMENT OF NATURAL RESOURCES
Maryland Forest, Park & Wildlife Service
TOWNS OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401

Donald E. MacLauchlin
DIRECTOR
File #5465

September 17, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Reference: Petition for Special
Hearing, No. 85-60 SPH, Item 360
Concerning 5417 Deer Park Road

Dear Mr. Jablon:

It has come to our attention that there is a request before you for a
petition for non-conforming use at 5417 Deer Park Road.

The Maryland Forest, Park and Wildlife Service, a unit of the Department
of Natural Resources, herein objects to this use and ask that your office deny
said petition.

The subject property is bordered on three sides by Soldiers Delight Natural
Environment Area. This open space property of nearly 1,800 acres has been set
aside by the State of Maryland to preserve its unique natural resources and to
provide its visitors with an opportunity to observe those features in an un-
spoiled setting.

This area is the only virtually undisturbed serpentine barren remaining in
the state and is of interest to the amateur and professional botanist and
geologist alike.

Twenty miles of nature/hiking trails traverse the property and are used by
regular park visitors as well as numerous school groups.

Any type of commercial operation, such as the proposed garbage truck
storage, would seriously detract from the existing residential/open space flavor
of the area that is intended by the present zoning and by the primary low
density recreation purpose of the Natural Environment Area.

The maps and boundary description contained in the petition indicates that
the access road from the property to Deer Park Road crosses state property for
approximately twenty feet. The Department of Natural Resources' land records
do not reflect any granting of access as a condition of sale when the property
was purchased by the state.

PROTESTANTS
EXHIBIT 1

Telephone (301) 269-3776
TTY FOR DEAF: STATEWIDE 1-800-422-5062; BALTIMORE 269-2609

Mr. Arnold Jablon
September 17, 1984
Page 2

Neither can we find any agreement by the Department that would have granted
such an access. Therefore, no easement seems to exist from 5417 Deer Park Road
through state property. In that regard, any and all use of such an avenue is
unauthorized.

The area surrounding Soldiers Delight is zoned residential, and the grant-
ing of this non-conforming use would result in a bad precedence of spot zoning.

We object to the granting of the petition because of the commercial truck
traffic that would be generated. The noise and accompanying visual intrusions
would be detrimental to the natural wildlife and to the quality of the
recreational experience for the visitors.

The property in question lies fairly close to a tributary of Red Run.
Commercial disturbance of the ground cover by truck traffic could potentially
cause soil erosion and result in siltation and pollution of the stream.

Finally, two or three of the aforementioned hiking trails are located within
1,600 feet of the property. Enjoyment of these trails would be adversely
affected by the commercial activities that would take place.

We, again, ask that this petition be denied by you. office and request
that this letter be made a part of the official record.

Sincerely,

Donald E. MacLauchlin
Donald E. MacLauchlin
Director

DEM/JM/ls

cc: Assistant Secretary Harrison
Frank Celisio
Dave Hathway
Don Gaver

RE: PETITION FOR SPECIAL HEARING :
E/S of Deer Park Rd., 320' S of Wards :
Chapel Rd. (5417 Deer Park Rd.) - 4th :
Election District :
Howard S. Smith, et al - Petitioners :
No. 85-60-SPH (Item No. 360) :
BALTIMORE COUNTY

Pursuant to the advertisement, posting of property, and public hearing on the
petition and it appearing that by reason of the following finding of facts:

1. The petitioners are seeking to establish a nonconforming use,
such use consisting of the parking and storage of garbage trucks
in a residential zone and a determination that the use does not
constitute a "trucking facility".
2. Testimony presented by one of the petitioners, Howard S. Smith,
indicated that the property was purchased about 1955. The types
of vehicles stored continuously on the property include auto-
mobiles, pick-up trucks with utility bodies, and horse trailers.
Mr. Smith worked for an oil company from 1955 to 1975 and parked
an oil delivery truck on the property during the winter and a
tractor/trailer during the summer, both a few nights a week.
For some years, in the past, a stake-body truck was on the pro-
perty two or three times a week and sometimes overnight. At
one time, a family member drove a school bus, which was parked
on the property, and a dump truck, with a low boy, was stored
there during construction of an addition. About six or eight
years ago, a son-in-law parked a garbage truck overnight a few
times. Approximately three to four years ago, a verbal agree-
ment was reached between the petitioners and Paula Wise allow-
ing her to park four to five garbage trucks (grinder/packer). Mrs.
Wise gravely a parking area about half way to the rear of the
property and has utilized that space until the present time.

After due consideration of all testimony and evidence presented, in the opinion
of the Deputy Zoning Commissioner, the only vehicles of a commercial nature which
have been routinely parked on the property for the time period necessary to give
rise to a valid nonconforming use are pick-up trucks with utility bodies and horse/
cattle trucks and trailers, all vehicles appropriate to a rural area and small farm/
pasture/garden property and, in the instant case, the petitioners failed to prove a
nonconforming use.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County,
this 5th day of October, 1984, that to approve a nonconforming use for the
parking and storage of garbage trucks in a residential zone is hereby DENIED, and,
by necessity, the use being considered a trucking facility is moot.

James M. H. Jones
Deputy Zoning Commissioner
Baltimore County

ORDER RECEIVED FOR FILING

DATE October 5, 1984

BY May Compagna (Club)

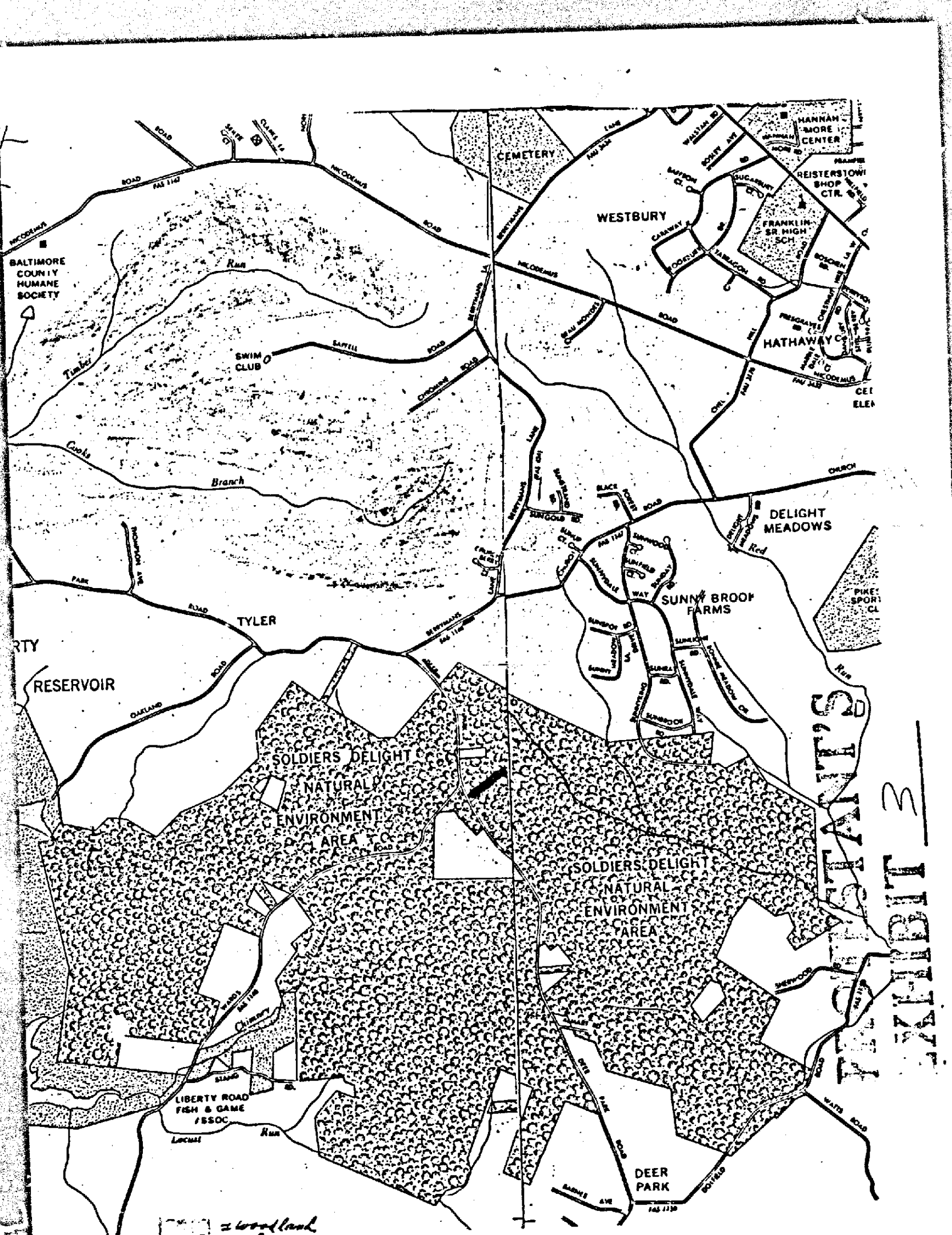
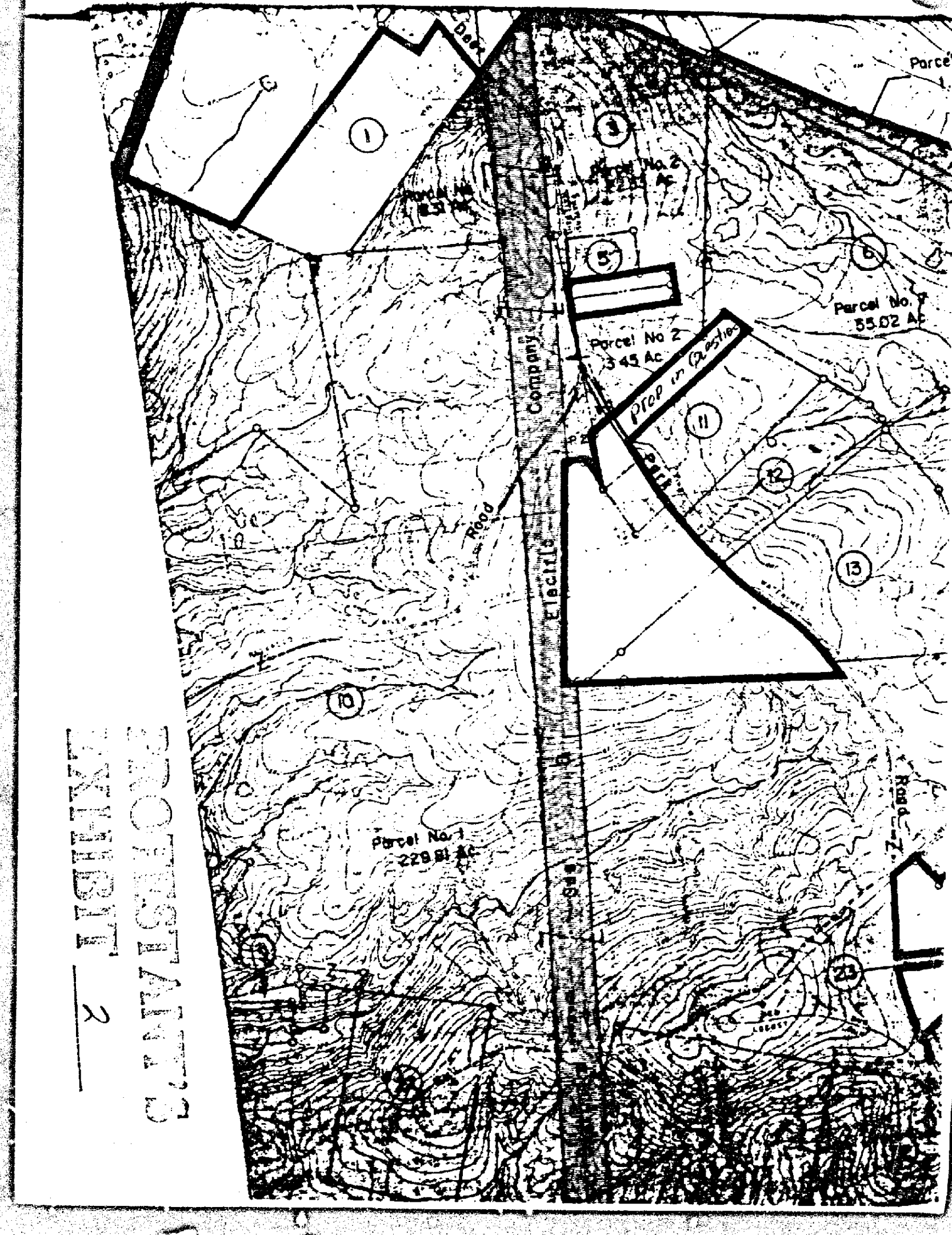
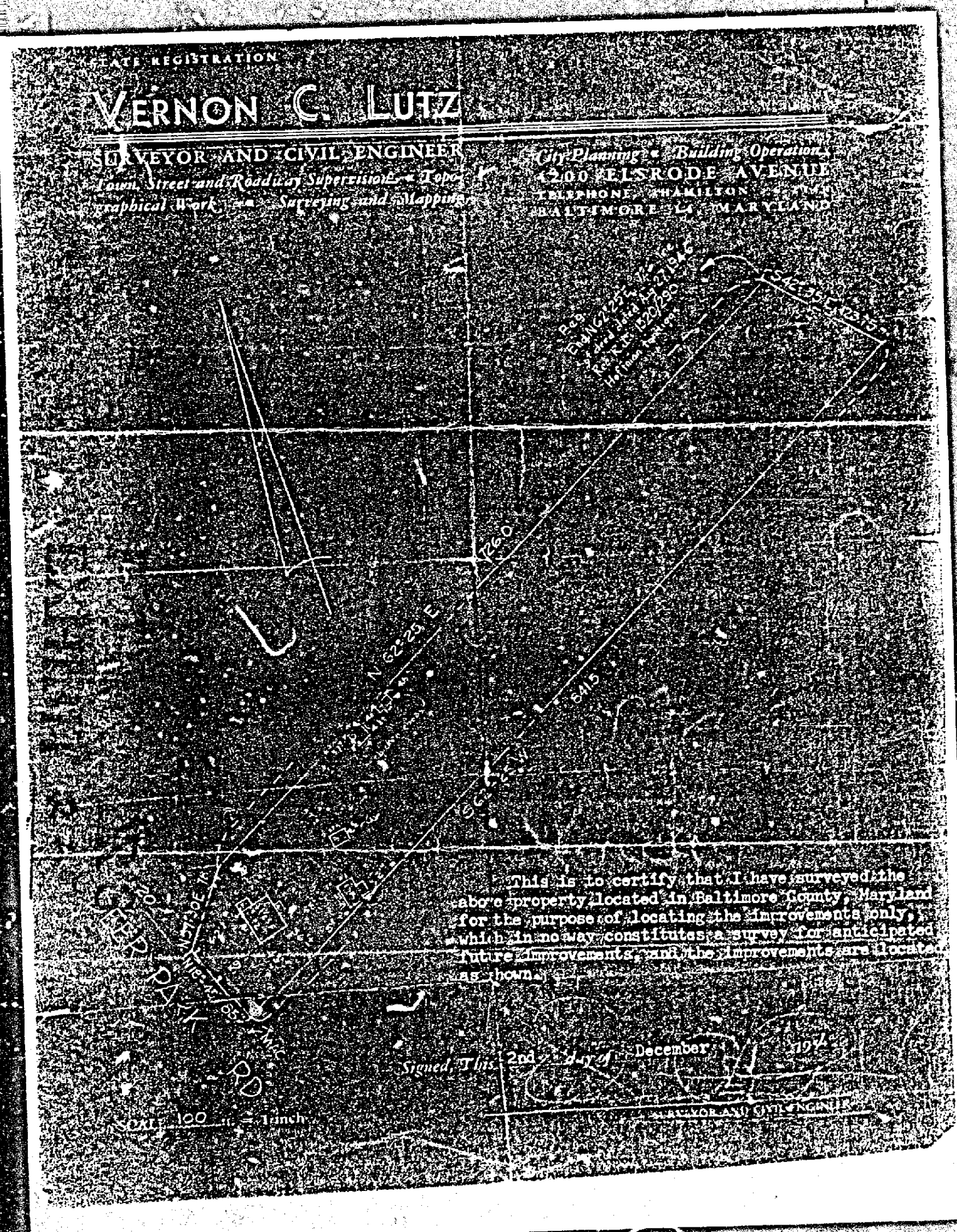
ADMINISTRATIVE ASSISTANT

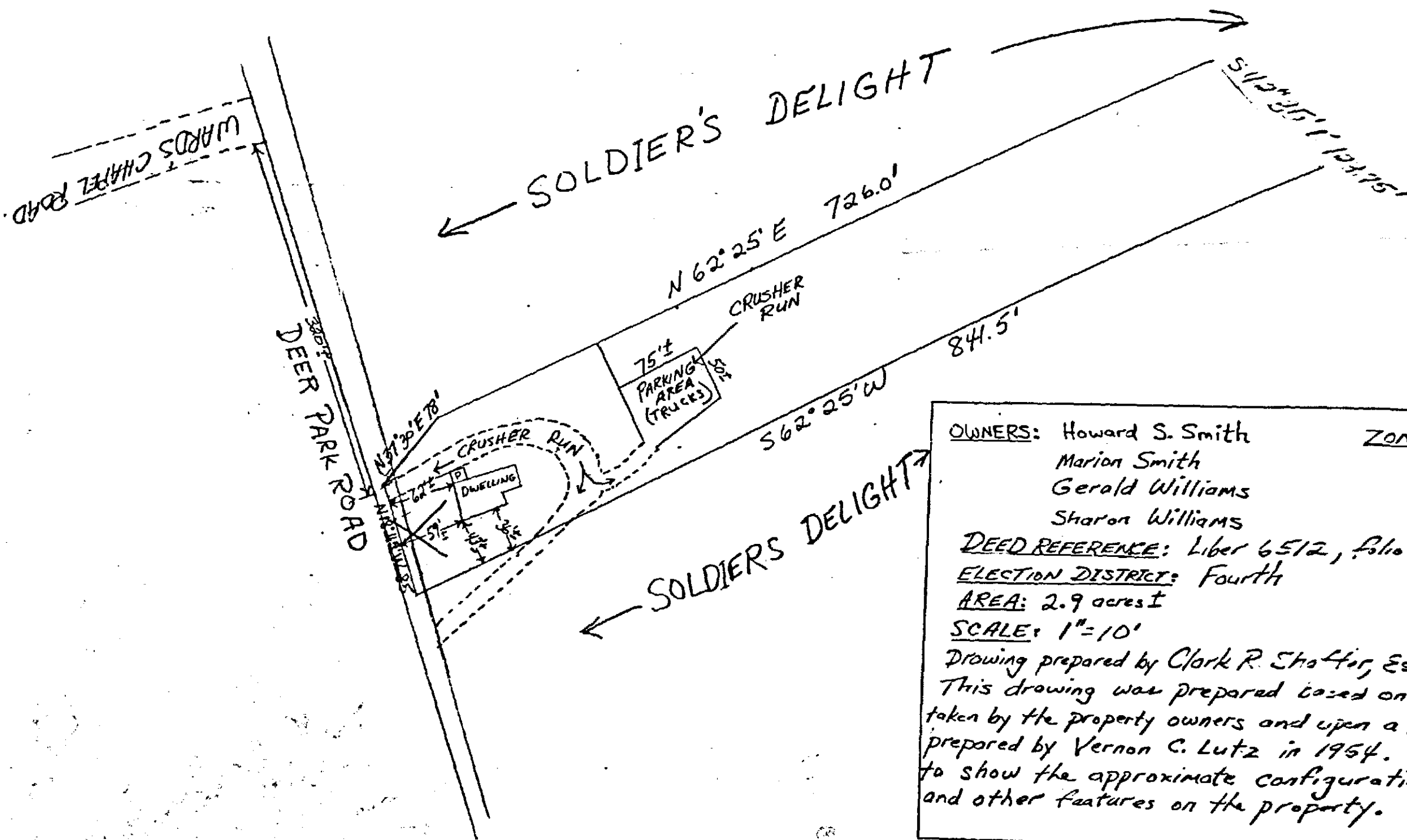
ORDER RECEIVED FOR FILING

DATE October 5, 1984

BY May Compagna (Club)

ADMINISTRATIVE ASSISTANT





MAP:	10
SECTION:	10
DATE:	7/11
TYPE:	ST
REMARKS:	BY: [initials]
FINAL:	
BY:	

OWNERS: Howard S. Smith
 Marion Smith
 Gerald Williams
 Sharon Williams

ZONING DISTRICT: F-2-4

DEED REFERENCE: Liber 6512, folio 723 et seq.

ELECTION DISTRICT: Fourth

AREA: 2.9 acres ±

SCALE: 1"=10'

Drawing prepared by Clark R. Shaffer, Esquire.
 This drawing was prepared based on measurements taken by the property owners and upon a location survey prepared by Vernon C. Lutz in 1954. It is an attempt to show the approximate configuration of the improvements and other features on the property.

JUNE 1, 1984

PETITIONER'S
 EXHIBIT 1